

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

M DISTILLERY, LLC f/k/a	§	
M DISTILLERY INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No.
	§	3:20-CV-00971-K
BLACKLANDS MALT, LLC,	§	
	§	

FINAL CONSENT JUDGMENT

Before the Court is the parties' Agreed Motion for Entry of Consent Judgment (Doc. No. 35). The Court **GRANTS** the Agreed Motion. Accordingly, as Plaintiff, M Distillery, LLC f/k/a M Distillery, Inc. d/b/a Blackland Distillery ("Distillery") and Defendant Blacklands Malt, LLC ("Malt"), have resolved the matters between them and consent to the entry of final judgment in this matter as follows:

1. On December 21, 2017, Distillery filed with the United States Patent and Trademark Office (USPTO) U.S. Trademark Application Serial No. 87731387 seeking to register the mark "BLACKLAND DISTILLERY" in standard characters on the Principal Register for use with "distilled spirits" in International Class 033.

2. On September 17, 2018, Malt opposed the registration of the "BLACKLAND DISTILLERY" application by filing a Notice of Opposition No. 91243647 styled *Blacklands Malt, LLC v. M Distillery, Inc.* before the Trademark Trial and Appeal Board (TTAB) (Opposition Proceeding).

3. On November 18, 2019, following the accelerated process, the TTAB issued a non-precedential decision (the “TTAB Decision”), in which the Board concluded that there was a likelihood of confusion and Distillery’s Application for registration was denied.

4. On April 20, 2020, Distillery filed a suit against Malt in this civil action seeking a *de novo* review of the TTAB’s November 18, 2019, non-precedential decision under the Lanham Act, 15 U.S.C. § 1071(b).

5. The parties acknowledge and agree that the TTAB Decision should be vacated.

6. Counsel for all Parties consent to the terms, and agree to the form and the entry, of this Consent Judgment.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The TTAB’s Decision of November 18, 2019 is VACATED;
2. The USPTO is directed to permit the Application of M Distillery, LLC f/k/a M Distillery, Inc. (Serial No. 87731387) for the mark BLACKLAND DISTILLERY in standard characters to be registered on the Principal Register;
3. Each Party shall bear its own costs and attorneys’ fees; and

4. This Court shall retain jurisdiction to enforce the terms of the Parties' settlement agreement.

IT IS SO ORDERED.

Signed August 26th, 2021.



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UNITED STATES DISTRICT JUDGE